

PART 2069 - SAFETY AND INJURY COMPENSATION

Subpart A - FmHA Safety and Health Management Program

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PART 2069 - SAFETY AND INJURY COMPENSATION

Subpart A - FmHA Safety and Health Management Program

§2069.1 Purpose and scope .

(a) The objective of the FmHA Safety and Health Management Program (FmHA/SHMP) is to prevent work related illnesses, injuries, and property damage accidents in order to conserve and protect Agency equipment, property, and human resources.

(b) The provisions of this Subpart apply to all Agency operations and employees. This Subpart outlines safety and health policies for administration of the FmHA Safety and Health Management Program.

§2069.2 Authority .

The Designated Safety and Health Official represents the Administrator in ensuring that the FmHA Safety and Health Management Program is developed and implemented in accordance with the Occupational Safety and Health Act of 1970 (Public Law 91-596); Executive Order 12196; 29 Code of Federal Regulations (CFR) Part 1960; the Department regulations and this Subpart. This responsibility and authority may further be delegated to the FmHA Safety and Health Manager.

§2069.3 [Reserved]

§2069.4 Policy .

(a) FmHA subscribes to and fully supports a program for accident, injury and illness prevention. No job in FmHA is so important or service so urgent that time cannot be taken to plan and accomplish the job in a safe and healthful manner.

(b) Managers and supervisors shall not knowingly place employees in positions that may cause harm to these employees or others. Therefore, it is the policy of FmHA to:

(1) Provide a safe and healthful work environment for all FmHA employees, Federal contractors, and the general public using its facilities, equipment or vehicles.

(2) Use every practical means to eliminate or reduce potential safety and health hazards in its operations.

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- (3) Provide for the safe maintenance and management of its property, equipment and vehicles.

§2069.5 [Reserved]

§2069.6 Definitions.

- (a) Abatement. The application of engineering or administrative controls (e.g., enforcement or education) to eliminate, reduce or control hazards in FmHA workplaces.
- (b) Accident. An incident occurring due to errors in performance of specific tasks by persons and/or machines in a particular environment, sustained because of ineffective adjustments to hazards, manifested by losses incurred and observable in the form of symptoms such as pain, injury, damage, destruction, and interruption of the FmHA mission.
- (c) Appropriate personnel office. The Personnel Office which processes personnel actions for the employee covered; i.e., the Personnel Division for National Office employees; Personnel Office for Finance Office employees and State Office for State, District and County Office employees.
- (d) Collateral duty safety and health manager. The collateral duty safety and health manager is an employee who (as one of his/her many duties) has been assigned the responsibility of carrying out certain tasks of the FmHA Safety and Health Management Program.
- (e) Disabling injury. A work injury which results in loss of time away from work (other than the day of the injury) and/or days of restricted work activity. (permanent total disability, permanent partial disability, or temporary total disability).
- (f) First aid. The one-time treatment (and any follow-up visit for observation) for a minor scratch, cut, burn, or splinter even though provided by a physician or medical personnel at a medical facility.
- (g) FmHA property. The real estate, buildings, vehicles, and equipment owned, leased, or loaned to FmHA and under its custody and control.
- (h) Hazard. The environmental and/or behavioral obstructions to the safe and healthful performance of tasks by employees and/or machines which might allow an unfavorable extent of chance, danger, peril, or risk to affect an occurrence which may result in injury, illness, or property damage.

(i) Imminent danger . Any condition or practice which exists in a place of employment and could reasonably be the cause of death or serious physical harm (likely to occur at any moment).

(j) Incidental operator . Any employee in other than an operator position who is required to operate a motor vehicle in order to properly carry out assigned duties.

(k) Injury . A personal injury sustained by an employee in the performance of duty.

(l) Occupational disease . A disease caused by environmental factors, the exposure to which is peculiar to a particular process, trade, or occupation and to which an employee is not ordinarily subjected or exposed outside of or away from such employment.

(m) Office . A single physical location where FmHA business is conducted or where services or operations are performed.

(n) Operator . An employee who is regularly required to operate a motor vehicle to carry out his/her assigned duties. This includes (but is not limited to) a chauffeur, messenger, truck driver, and security guard.

(o) Other property . The real estate, buildings, and equipment which are under the custody or control of another Federal agency, or a private person, even though such may be occupied or owned by FmHA.

(p) Private person . A person other than an FmHA employee.

(q) Property damage accident . An accident which occurs during work-related activities resulting in damage to either Government and/or privately-owned property including damage to motor vehicles. When property or equipment fails in use from normal wear and tear, and causes injury or further damage, it should be classified as a property damage accident.

(r) Report of unsafe/unhealthful conditions . The notification of a situation where an employee or a representative of an employee believes there exists a violation of an occupational safety and health standard or there is a potential working condition or practice which may result in a work-related injury or illness.

(s) Reportable accident . An incident occurring during performance of official duties which results in:

(1) Occupation-related death, or

(2) Occupational illness which is: reported on Form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation," or Form CA-2, "Federal Employee's Notice of Occupational Disease and Claim for Compensation," or

(3) Occupational injury which is:

- (i) reported on a Form CA-1,
- (ii) requires transfer to another job,
- (iii) results in restriction of work or motion,
- (iv) involves loss of consciousness, and/or
- (v) results in days away from work or days of restricted work activity, or

(4) Damage to FmHA property or damage to property in the performance of official FmHA activities.

(t) Serious accident . A job-related accident resulting in a fatality to one or more employees, the hospitalization of five or more persons, or property damage of \$100,000 or more. (Revised 7-25-84, PN 937.)

(u) Supervisor . An employee having authority, in the interest of FmHA, to hire, transfer, lay off, promote, discharge, assign, reward or discipline other employees; responsibility to direct them or to adjust their grievance or effectively recommend such action, if in connection with the foregoing; the exercise of authority not of a merely routine clerical nature, but requiring the use of independent judgment.

(v) Incident reporting system . The Incident Reporting System is part of the Department's Safety and Health Management Information System, and is used for reporting on-the-job injury, illness, motor vehicle, and property damage accidents. (Added 7-25-84, PN 937.)

§2069.7 Designation .

(a) Designated Safety and Health Official . The Deputy Administrator for Financial and Administrative Operations is the Designated Safety and Health Official.

(b) FmHA Safety and Health Manager . The FmHA Safety and Health Manager develops and manages the FmHA Safety and Health management Program under the direction of the Designated Safety and Health Official.

(c) State Safety and Health Manager . Each State Director will appoint a collateral duty safety and health manager to assist the FmHA Safety and Health Manager in the development and implementation of the FmHA Safety and Health Management Program.

(d) Finance Office Safety and Health Manager . The Assistant Administrator Accounting and Director, Finance Office will appoint a collateral duty safety and health manager to assist the FmHA Safety and Health Manager in the development and implementation of the FmHA Safety and Health Management Program.

§2069.8 Responsibility .

Occupational safety and health is the responsibility of each line official, and each employee must share in this responsibility. No manager shall subject an employee to restraint, interference, coercion, discrimination, or reprisal by virtue of the employee's participation in the FmHA Safety and Health Management Program. FmHA officials and supervisors at all levels are responsible for the safety and health of employees and property under their jurisdiction. Each employee is responsible for conducting his/her work activities in a safe and healthful manner. Specific responsibilities are as follows:

(a) Designated Safety and Health Official .

(1) Assures that the FmHA Safety and Health Management Program is designed to:

(i) reduce human and financial losses incurred from job-related injuries, illnesses, and property damage incidents, and

(ii) comply with all applicable Federal legislation, Department policy, regulations, and directives as noted in §2069.2 of this Subpart.

(2) Provides the necessary funding and qualified subordinate staff, contracts, and management support to develop and manage a comprehensive FmHA Safety and Health Management Program.

(3) Assures that all employee reports of unsafe and unhealthful working conditions and practices are evaluated and acted upon in a timely manner.

(4) Assures that no employee is subject to any interference, discrimination, or other type of reprisal for reporting unsafe and unhealthful working conditions or for participating in the FmHA Safety and Health Management Program.

(5) Assures that safety and health education and training activities are provided to all employees, with special emphasis on supervisory personnel, collateral duty safety and health managers and employees performing hazardous duties and assignments.

(b) FmHA Safety and Health Manager .

(1) Develops and implements an effective FmHA Safety and Health Management Program in accordance with Federal Legislation, Standards, and Guidelines, and Department policy, regulations, and directives as noted in §2069.2 of this Subpart.

- (2) Conducts and/or directs investigations and on-site reviews of the safety and health, activities throughout FmHA to determine the effectiveness of the FmHA Safety and Health Management Program.
- (3) Provides liaison between FmHA management officials and the Safety and Health Management Division of the Department.
- (4) Plans and coordinates the delivery of safety and health education and training Programs throughout FmHA.
- (5) Provides technical assistance and advice to FmHA management officials, supervisors, and employees concerning safety and health hazards and program matters.
- (6) Assures that periodic inspections of all FmHA workplaces are performed by qualified and properly equipped personnel and provide for adequate employee representation during inspections.
- (7) Completes and submits any annual or special safety and health report which may be required by the Safety and Health Management Division of the Department.
- (8) Conducts FmHA-wide informational and promotional activities to improve the safety and health programs and/or to reduce the injuries, illnesses, and property damage incidents which occur throughout FmHA.
- (9) Collaborates with the Safety and Health Management Division of the Department in the development and implementation of Departmentwide safety and health projects and program evaluations.
- (10) Supports the activities of Field Federal Safety and Health Council (FFSHC) activities and stimulates FmHA participation in FFSHC meetings and programs.
- (11) Assures that employee reports of unsafe and unhealthful working conditions are evaluated and responded to in a timely manner and that identified safety and health hazards found as a result of these reports are corrected in accordance with 29 CFR Part 1960.

(c) Assistant Administrator Accounting and Director Finance Office, Division Directors, and State Directors .

- (1) Build safety and health procedures into the operating Practices of all supervisors and employees.
- (2) Maintain a continuous accident prevention and health promotion program.
- (3) Assure that safety and health considerations are integrated into job planning and execution activities.



§2069.8(c) (Con.)

(4) Assure that each accident and employee report of unsafe and unhealthful working conditions is evaluated and acted upon in accordance with this Instruction and that corrective action is initiated in a timely manner.

(5) Appoint a collateral duty Safety and Health Manager to serve as a focal point for the Agency Safety and Health Management Program activities and ensure that this appointment does not relieve other managers, line or staff, of their safety and health responsibilities and that this collateral duty Safety and Health Manager receives appropriate training in occupational safety and health.

(6) Assure that employees are not subjected to any interference, discrimination, or other type of reprisal for reporting unsafe and unhealthful working conditions or participating in Agency Safety and Health Management Program activities.

(7) Assure that accountability for Agency Safety and Health Management Program activities are included in the performance standards of all managers, supervisors, and employees.

(d) Finance Office Safety and Health Manager and State Safety and Health Managers .

(1) Plan, organize, and promote the Agency Safety and Health Management Program throughout his/her organization.

(2) Implement Agency Instructions, policies, and procedures for the Agency Safety and Health Management Program and report any problems to the Agency Safety and Health Manager.

(3) Conduct annual safety and health inspections and direct investigations and onsite reviews of all Agency activities and facilities to determine unsafe and unhealthful practices of workers and conditions of equipment and facilities.

(4) Ensure that all appropriate data from the USDA Modified Forms CA-1, CA-2, CA-6, "Report of Fatality," Standard Form (SF)-91A, "Investigation Report of Motor Vehicle Accident," and AD-872, "Property Damage Incident," is properly recorded in the Incident Reporting System (IRS) within 3 days of the receipt of such data. For further information, refer to USDA Departmental Regulation 4450-1, "Incident Reporting System," (available in all State Offices). (Revised 7-25-84, PN 937.)

(5) Recommend safety and health training programs to the Agency Safety and Health Manager to meet the needs of the State Office or the Finance Office.

(6) Provide assistance to supervisors and employees to aid them in meeting their Agency Safety and Health Management Program responsibilities.

(7) Promote and conduct safety and health campaigns, information exchanges, and Recognition programs to maintain interest and activity in the Agency Safety and Health Management Program.  
(Revised 09-04-96, PN 265.)

(8) Promptly review accident cases resulting in damage to the Government, private property or accidents resulting in injuries.

(9) Promptly review all accident reports to identify and correct causes of damage to the Government, private property and injuries and illnesses to Agency employees.

(10) Assure that the following posters, notices, and/or plans are appropriately displayed in each physical facility:

(i) Occupational Safety and Health Protection for Federal Employees.

(ii) Form CA-10, "What a Federal Employee Should Do When Injured at Work."

(iii) The name and location of the nearest medical facility.

(iv) The evacuation plan for fire and emergency situations.

(11) Participate in and support, to the extent practical, FFSHC activities as required by 29 CFR, Part 1960. Subpart K, §1960.88.

(e) Supervisors.

(1) Ensure that Agency employees are provided safe and healthful working conditions.

(2) Monitor all facilities and equipment to assure that conditions are established and maintained to the fullest extent possible.

(3) Assure that Agency equipment and operating practices afford maximum safety and minimum health hazards to employees at all times.

(4) Review safety instructions with new employees as part of their "orientation-to-the-job."

(5) Inform employees of their rights under Public Law 93-416, 5 U.S.C. Title 5, Chapter 81, the Federal Employees Compensation Act (FECA), which outlines the Office of Workers' Compensation Programs (OWCP).

(6) Assist employees in obtaining adequate initial medical attention for job-related injuries and illnesses.

§2069.8 (e) (Con.)

(7) Investigate and report within 24 hours all accidents/injuries/illnesses following the requirements of Departmental Regulation Number 4450-1, "Incident Reporting System," (available in all State Offices). (Revised 7-25-84, PN 937.)

(8) Assure that all employees are counseled on the regulations covering safe motor vehicle operation as provided in this Subpart, GSA Commercial Motor Vehicle Management and USDA Driver-Operator Guide.

(9) Inform operators and incidental operators of Government-owned, privately-owned or leased vehicles of their financial responsibility in case of an accident.

(10) Take immediate action to suspend the authority of subordinates to operate a vehicle on official business whenever their driving behavior is believed to constitute a danger to themselves, others, and/or property. (See USDA Driver Operator Guide and DPM Chapter 930, Subchapter 1.)

(11) Provide defensive driver training for employees who are required to operate a motor vehicle in the performance of their job duties.

(12) Provide and assure proper use of personal protective equipment for hazardous job operations.

(f) Employees.

(1) Maintain a high degree of safety and health awareness so that work can be accomplished without the occurrence of injury, illness, and/or property damage incidents.

(2) Use personal protective equipment and other devices provided by FmHA.

(3) Obey prescribed safety rules and regulations.

(4) Report any unsafe and unhealthful working conditions to supervisors immediately and take prompt action to correct such conditions, if possible.

(5) Notify supervisors immediately if they are involved in an accident or suffer any injury or illness in the line of duty.

(6) Follow requirements of RD Instruction 2069-B pertaining to OWCP benefits and procedures for reporting injuries, obtaining medical care, and submitting reports and claims for benefits.

§§2069.9 - 2069.13 [Reserved]

§2069.14 Safety and health training . (Revised 09-30-92, PN 192.)

(a) Safety and health training, as appropriate, shall be provided to all FmHA employees.

(b) The Finance Office Safety and Health Manager and all State Safety Health Managers shall receive training in accordance with 29 Code of Federal Regulations Part 1960, Subpart H, section 1960.58.

(c) A sufficient number of employees shall be provided first-aid training and shall complete the standard Red Cross or an equivalent first-aid course. Exceptions to this requirement occur only where there are one or two-person offices; or where a staffed infirmary, clinic, or hospital is situated within 4 minutes travel time. Each FmHA office (State, District, County, etc.) will have a first-aid kit in an accessible location if a health unit is not located in the building.

§2069.15 Reporting and investigating accidents .

(a) General . Department regulations and RD Instruction 2042-B prescribe accident-reporting and investigating requirements. All accidents occurring during the performance of official duties must be reported completely and promptly (within 24 hours of duty date). All accidents must be investigated thoroughly so that preventive or corrective measures can be taken. Reports must be complete and all pertinent facts concerning the accident, including names and addresses of witnesses and copies of local police reports, must be gathered so that legal determination can be made as to whether the employee acted within the scope of his/her employment.

(b) Reporting serious accidents .

§ 2069.15(b) (Con.)

(1) National Office . Serious accidents involving National Office employees shall be reported promptly by telephone through supervisory channels to the Rural Development Safety and Health Manager who will report the accident by telephone or telegraph to the appropriate Office of Inspector General (OIG), (see Exhibit B of RD Instruction 2012-A), and the Safety and Health Management Division of the Department within 24 hours. (Revised 10-06-99, PN 311.)

(2) Finance Office and Field Offices . Serious accidents involving employees from the Finance Office and field offices shall immediately be reported through supervisory channels to either the Finance Office Safety and Health Manager or the appropriate State Safety and Health Manager who will promptly report the accident to the FmHA Safety and Health Manager within 24 hours who will in turn report the accident to the Safety and Health Management Division of the Department within 24 hours. (Revised 6-15-88, PN 87.)

(3) Reporting a serious accident . The following information is required when reporting a serious accident: (1) Names, (2) Date of accident, (3) Location, (4) Type of accident, (5) Estimate of damage, (6) Extent of injury, (7) Probable cause of the accident, and (8) Corrective action initiated to prevent future accidents, if necessary.

(c) Investigating officer responsibility . The investigating officer is responsible for the investigation, preparation, and submission of reports to the appropriate personnel office. When it is impractical to personally conduct an investigation because of distance or cost involved, arrangements should be made for another Rural Development employee to conduct the investigation. The employee(s) involved in the accident shall not conduct the investigation.

(d) Conducting the investigation . A thorough investigation of the accident and its causes must be conducted so that corrective action can be taken to prevent similar or related accidents, and any claim arising from the accident can be properly adjudicated. The person responsible for conducting the investigation shall:

- (1) Make an immediate and unbiased effort to determine all pertinent facts and circumstances of the accident.
- (2) Determine the principal and contributory factors that caused the accident.
- (3) Determine the nature and extent of injuries sustained by persons involved in the accident.
- (4) Determine whether protective devices such as safety belts were available and used.
- (5) Furnish and estimate (in dollars) damage to Rural Development or other property.

§ 2069.16 Safety and health inspections .

In accordance with the Occupational Safety and Health Administration (OSHA), 29 CFR, and USDA Safety Management Facilities Inspection Guide, Section 2301 standard and regulation, general office inspections are required during each fiscal year. (Revised 03-16-94, PN 220.)

(a) Inspection requirements and procedures. This section provides requirements for a program of safety and health inspections of frequent and planned intervals to uncover and eliminate hazards before they contribute to employee accidents or illness.

(b) Minimum requirements.

(1) The appropriate collateral duty safety and health manager shall:

(i) Carefully inspect all Rural Development operations and evaluate the safe and healthful work practices of employees;

(ii) Inspect all Rural Development equipment, vehicles, and facilities to pinpoint actual or potential safety and health hazards;

(iii) Discuss safety and health matters with employees and supervisors during each inspection; and

(iv) Where possible, take immediate action to correct any unsafe or unhealthful working condition or practice.

§2069.16 (b) (Con.)

(2) A comprehensive inspection of all offices shall be made annually (fiscal year) by the appropriate collateral duty safety and health managers. The FmHA Safety and Health Manager will periodically conduct field reviews and inspections to evaluate the effectiveness of State programs. (Renumbered 03-16-94, PN 220.)

(3) The appropriate collateral duty safety and health manager shall be in charge of inspections and interview employees and supervisors to gather information concerning normal working conditions and practices; Division or Staff Directors; Director, Finance Office; State Directors (or a designated representative), and a representative of employees shall be given an opportunity to accompany the inspector during any safety and health inspection, both to aid the inspector and to provide more detailed knowledge about any existent or potentially unsafe or unhealthful working conditions.

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(Added 03-16-94, PN 220)

(4) A copy of the interim and final inspection report shall be sent to the Division or Staff Director, Director, Finance Office, State Director and the designated representative of the employees. The original will be sent to the FmHA Safety and Health Manager. The report shall be used to furnish data in accordance with Executive Order 12196; 29 CFR Part 1960, Subpart-I, Sections 1960.66 through 1960.75 and as prescribed by USDA Regulations (4400 Series).

(5) All facilities which are customarily open to the public shall be inspected using the same criteria as for offices.

(6) Safety and Health inspection records shall be maintained for 5 years following the calendar year in which the onsite inspection was completed.

(c) Correction of unsafe or unhealthy working conditions .

(1) Each Division or Staff Director, the Director, Finance Office, and each State Director have primary responsibility for correction of unsafe or unhealthful working conditions.

(2) Each Division or Staff Director, State Director and Director, Finance Office shall: immediately submit an abatement plan to the Designated Safety and Health Official for any unsafe and unhealthful working condition which can not be corrected within a 30 day period. The plan shall contain an explanation as to the circumstances of the delay in abatement, a proposed timetable for the abatement, and a summary of steps being taken in the interim to protect the employees from being injured.

(3) Post a notice of an unsafe and unhealthful working condition on or near the location of this hazardous condition and keep this notice posted until the unsafe and unhealthful working condition is corrected.

(d) Employee report of unsafe or unhealthy working conditions .

(1) Many safety management problems can be eliminated as soon as they are identified through informal communication between an employee and the supervisor.

(2) Any employee or designated representative of an employee who believes that an unsafe or unhealthful working condition exists is authorized to request an inspection by giving notice of alleged unsafe or unhealthful working conditions to the appropriate collateral duty safety and health manager. The report should be in writing, should identify the problem, should be signed by the



employee(s) or designated representative of the employee(s), and should indicate whether they want their names to be kept confidential. In the case of imminent danger, an employee shall be allowed to make a report(s) by telephone and submit it in writing as soon as it is practical thereafter.

(3) The appropriate collateral duty safety and health manager or the FmHA Safety and Health Manager shall consider the report and determine within 24 hours after receipt whether there are reasonable grounds to believe that the alleged unsafe or unhealthful working condition exists. After a determination is made, an inspection shall occur within 24 hours. If the inspector is unable to locate the alleged unsafe or unhealthful working condition(s), without the assistance of the employee who submitted the report, the appropriate collateral duty safety and health manager (if other than the inspector) may give the inspector the name of the employee or representative of the employee submitting the report. The names of individual employee(s) referred to in the report will not be disclosed to anyone else.

(4) If the appropriate collateral duty safety and health manager or the FmHA Safety and Health Manager determines that there are no reasonable grounds to believe an unsafe or unhealthful working condition exists, or if an inspection is made on the basis of a report alleging such conditions, but no such condition is determined to exist, the employee or designated representative of employee(s) who filed the report shall be notified in writing. Any determination made during this review process should be in the form of written statement(s) setting forth the reasons for such disposition. The employee(s) or designated representative of the employee(s) shall be informed of the rights and procedures for appealing the decision in accordance with 29 CFR, Part 1960.

(5) Any employee(s) or designated representative of the employee(s) who filed a report alleging an unsafe or unhealthful working condition, and is dissatisfied with FmHA's disposition may forward the report to the Chief, Safety and Health Management Division, (USDA), for consideration. Should the disposition still be unsatisfactory, the employee may contact, in writing, the following office:

Office of Federal Agency Safety Programs  
U. S. Department of Labor  
Washington, D.C. 20210

(FmHA encourages employees to first utilize the FmHA Safety and Health Manager Program before contacting the Department of Labor; however, an employee or designated representative may send their report directly to the Secretary of Labor).

§2069.17 Responsibility for safety management activities where space is not controlled by FmHA .

Space which is leased to FmHA or that for which the General Services Administration, other Federal or non-Federal Agency has assigned responsibility, does not relieve FmHA of responsibility for operation of the FmHA Safety and Health Management Program within the occupied area. Contracts for leasing of space must provide that the space meets all applicable FmHA and Department of Labor Standards. Also, the lessor must correct all violations to such standards in a timely manner.

§§2069.18 - 2069.50 [Reserved]

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(5-25-83) PN 882